



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/686,339

10/14/2003

G. Eric Engstrom

109909-135059

7182

25943

7590

04/21/2008

SCHWABE, WILLIAMSON & WYATT, P.C.

PACWEST CENTER, SUITE 1900

1211 SW FIFTH AVENUE

PORTLAND, OR 97204

EXAMINER

CHO, UN C

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

04/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/686,339

**Applicant(s)**

ENGSTROM ET AL.

**Examiner**

UN CHO

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5 – 7 and 11 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard et al. (US 6,415,164 B1) in view of Kim et al. (US 7,137,073 B2).

Regarding claim 5, Blanchard discloses a plurality of functions to support a plurality of activities to be performed using the mobile communication device, the activities including at least a call activity (Blanchard: Col. 2, lines 26 – 51); a navigation button (menu keys; Fig. 2, elements 221 – 224); and a menu driver (Blanchard: Col. 5, lines 28 – 39).

However, Blanchard as applied above does not specifically disclose a menu driver to facilitate a user to navigate among selectable sub-activities of an expandable sub-activity of one activity, including presenting the selectable sub-activities as a scrollable list nested in a presentation of the activity, the scrollable list replacing the expandable sub-activity and displaying only a one of the selectable sub-activities at a time. In an analogous art, Kim remedies the deficiencies of Blanchard by disclosing such limitation wherein the user of the mobile telephone creates an EZ mode menu by selecting a desired sub-menu

item among a plurality of sub-menus items, thus when the user presses the menu button it will only show one or more of the selected sub-menu item(s), therefore, the EZ mode menu reduces the number of times the user must press a button as well as removing menu items that are not being used frequently and not displaying it on the display (Kim: Col. 4, line 55 through Col. 5, line 21 and Col. 5, lines 45 – 57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Kim to the system of Blanchard in order to provide an effective method for managing menu functions in a mobile station, which permits an easy access to a user desired menu item.

Regarding claim 6, Blanchard discloses wherein the activity is a selected one of a call activity (call activity; Fig. 3, element 320).

Regarding claim 7, Blanchard discloses wherein the mobile communication device comprises a wireless mobile phone (Blanchard: Fig. 2).

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 6.

Regarding claim 13, Blanchard as applied above discloses wherein the first and third activities are the same activity (Blanchard: Fig. 3).

Regarding claim 14, Blanchard as applied above discloses wherein any state of the first activity and the any state of the third activity are the same state (Blanchard: Fig. 3).

3. Claims 8 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard.

Regarding claim 8, Blanchard discloses receiving a user navigation input (menu keys; Fig. 2, elements 221 – 224); and in response, navigating directly from a first activity to a second activity (Blanchard: Col. 5, lines 28 – 39).

However, Blanchard as applied above does not specifically disclose including saving a first state of the first activity from which the user is navigating from, to enable subsequent re-entry into the first activity at the first state, and entering into a second state of the second activity to which the user is navigating to, the second state being the state in which the user last left the second activity.

However, Blanchard as applied above discloses a first, a second, a third, a fourth and a fifth states having its corresponding activities which can be accessed using the navigation buttons as shown in Fig. 3, wherein the user can navigate from one state having initial activity to another state having another initial activity (Fig. 3, element 210 in the direction of Fig. 3, element 350 and vise versa), moreover, the darkened elliptical, represents the activities of each states, i.e., the user moves from the first activity of a first state to another activity of another state, wherein if the user wants to come back from the another activity to the first

activity previously accessed will show the first state having a darkened elliptical in the first activity; Blanchard: Col. 6, lines 7 – 28 and Col. 7, lines 6 – 10, therefore, it would have been obvious to one of ordinary skill in the art to understand Blanchard and the feature of saving a first state of the first activity and entering into a second state of the second activity to which the user is navigating to, the second state being the state in which the user last left the second activity.

Regarding claim 9, Blanchard as applied above discloses wherein the first activity is an activity selected from a call activity (i.e., phone book state having different activities such as view all, recall entry, add entry, etc; Fig. 3) and the second activity is different activity selected from the call activity (i.e., phone book state having different activities such as edit entry, delete entry, etc; Fig. 3)

Regarding claim 10, Blanchard as applied above discloses facilitating a user interacting with selectable sub-activities of an activity as a nested scrollable list of selectable sub-activities of the activity (Fig. 3).

***Allowable Subject Matter***

4. Claims 1 – 4 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, Blanchard in view of Kim either alone or in combination fails to teach saving the selected state of the second activity; and enabling

subsequent re-entry into the saved selected state of the second activity from the any state of the third activity without interveningly navigating to any other navigational state capable of receiving user input.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 5 – 14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to UN CHO whose telephone number is (571)272-7919. The examiner can normally be reached on M ~ F 9:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

/U. C./  
Examiner, Art Unit 2617